

### National Policy Guidance

National Planning Policy Framework 2012

The NPPF reiterates the statutory requirement that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

It also states that the document should be read in conjunction with the newly released policy statement on Gypsies and Travellers.

The purpose of the planning system is to contribute to the achievement of sustainable development. There are 3 dimensions to sustainable development:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision making. For decision making this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. (Para 14).

Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision making and plan-making should be seamless, translating plans into high quality development on the ground. (Para 186). They should seek for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

Early engagement in pre-application discussions is encouraged where it is offered. Developers should be encouraged to engage with the community.

	<p>The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. (Para 196)</p> <p>In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development (Para 197).</p> <p><u>Implementation</u></p> <p>The policies in the NPPF apply from the day of publication (27<sup>th</sup> March 2012).</p> <p>For 12 months from the day of publication, decision makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.</p> <p>The Hinckley and Bosworth Local Plan was adopted in February 2001, as such it is necessary to review all saved local plan policies according to their consistency with the framework. Due weight must then be given according to their consistency with the NPPF. These are appraised within each application late item.</p> <p>For clarity it should be noted that the following national policy guidance documents referred to in the main agenda are superseded by the NPPF:</p> <p>Circular 05/05 Circular 01/06 NPPF (Draft) All Planning Policy Guidance and Statements</p>
<p>The Community Infrastructure Levy (CIL) Regulations 2010</p>	<p>Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.</p>
<p>Kyoto Protocol, 2005</p>	<p>The Kyoto Protocol is a legally binding agreement under which industrialised countries will reduce their collective emissions of greenhouse gases by 5.2% compared to the year 1990. The goal is to lower overall emissions from six greenhouse gases – carbon dioxide, methane, nitrous oxide, sulphur hexafluoride, HFCs, and PFCs – calculated as an average over the five year period of 2008-2012.</p> <p>The UK has set targets to generate 15% of electricity from renewable energy sources by 2015 and 20% by 2020. This is in addition to cutting carbon dioxide emissions by 60% by 2050.</p>
<p>Planning for Renewable Energy – Companion Guide to PPS22</p>	<p>Whilst PPS22 has been superseded by the NPPF, the companion guide has not been. The purpose of the guide is to encourage the appropriate development of further renewable energy schemes throughout England. It offers practical advice as to how policies can be implemented on the ground.</p>

Parsons Brinckerhoff Report March 11	This is an independent study into the phenomenon of shadow flicker from window turbines. The study finds there have not been extensive issues with shadow flicker in the UK; the frequency of the flickering caused by the wind turbine rotation is such that it should not cause a significant risk to health; and in the few cases where problems have arisen, they have been resolved effectively using mitigation measures, in particular turbines shut down systems. The Government considered the report's findings and concluded that existing planning guidance on shadow flicker is fit for purpose and that no changes to it are necessary.
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<b>East Midlands Regional Plan 2009</b>	
The Government has revoked the Regional Spatial Strategy for the East Midlands with effect from 12 April 2013.	
In a written ministerial statement dated 20 March 2013, the Government has clarified that from the date of revocation the Council's development plan will comprise its local plan and, where they exist, neighbourhood plans.	
The Council's decisions on planning applications will therefore continue to be guided by its Development Plan Documents ie Core Strategy, Area Action Plans and any documents which include Site Allocation policies, any Supplementary Planning Documents, saved policies in the Local Plan and the provisions of the NPPF.	

<b>Local Development Framework Core Strategy 2009</b>	
Spatial Objective 12: Climate Change and Resource Efficiency	To minimise the impacts of climate change by promoting the prudent use of resources through sustainable patterns of development, investment in green infrastructure, minimising the use of resources and energy, increasing reuse and recycling of natural resources, increasing the use of renewable energy technologies and minimising pollution, including greenhouse gas emissions.
Policy 1	Development in Hinckley: supports Hinckley's role as a sub-regional centre and sets out the criteria to achieve this. It makes provision for a minimum of 1120 new residential dwellings, seeks to diversify the existing housing stock in the town centre to cater for a range of house types and sizes, seeks to ensure there is a range of employment opportunities within Hinckley and to allocate land for new office development within or adjoining the Hinckley Town Centre Area Action Plan boundary. It supports the expansion of the creative industries job market, the provision of new retail space, the redevelopment of the railway station to deliver a transport interchange, the provision of a new bus station, transport improvements, tourism development and the development of new leisure facilities.
Policy 3	Development in Barwell: supports the regeneration of Barwell. It makes provision for a minimum of 45 new residential dwellings, seeks to diversify the existing housing stock to cater for a range of house types and sizes, allocates land for the development of a mixed use sustainable urban extension to the west of Barwell, seeks to ensure there is a range of employment opportunities within Barwell, supports the regeneration of Barwell local centre including public realm improvements, traffic calming measures and provision of additional retail floorspace. It supports the

	development of new leisure facilities and sporting hub on land off the A47 in the vicinity of the Hinckley United Football Stadium. It requires transport improvements and supports the development of the tourism industry.
Policy 6	<p>Hinckley/Barwell/Earl Shilton/Burbage Green Wedge: confirms that the following land uses will be acceptable in the Green Wedge:-</p> <ul style="list-style-type: none"> <li>a) Agriculture, including allotments and horticulture not accompanied by retail development</li> <li>b) Recreation</li> <li>c) Forestry</li> <li>d) Footpaths, bridleways and cycle ways</li> <li>e) Burial grounds</li> <li>f) Use for nature conservation.</li> </ul> <p>Any land use or associated development in the Green Wedge should:-</p> <ul style="list-style-type: none"> <li>a) Retain the function of the Green Wedge</li> <li>b) Retain and create green networks between the countryside and open spaces within the urban areas</li> <li>c) Retain and enhance public access to the Green Wedge, especially for recreation and</li> <li>d) Should retain the visual appearance of the area.</li> </ul> <p>It also indicates that a review should be carried out of the existing Green Wedge boundaries.</p>
Policy 7	Key Rural Centres: supports key rural centres to ensure they can provide key services to their rural hinterland. It supports housing development in settlement boundaries that provide a mix of housing types and tenures and meets local need; seeks to ensure there is a range of employment opportunities within Key Rural Centres; supports new retail development to meet local need within defined local centre boundaries; resists the loss of local shops and facilities in Key Rural Centres unless it is demonstrated that the business or facilities can no longer operate in a viable manner; requires transport improvements; supports development of the tourism industry and requires development to be of the highest environmental standards.
Policy 8	<p>Key Rural Centres Relating to Leicester: supports local services and seeks to ensure people have access to a range of housing.</p> <p>Desford – allocates land for a minimum of 110 new homes; supports additional employment provision to meet local needs; address existing deficiencies in green space and play provision; deliver improvements in the quality of Sport in Desford; deliver safe cycle routes; implement strategic green infrastructure; support traffic management measures and additional car parking; safeguard land for the development of a new passenger railway station and associated car parking on the site of the former station yard; and require development to respect the character and appearance of Desford Conservation Area.</p>

	<p>Groby - allocates land for a minimum of 110 new homes; supports additional employment provision to meet local needs; support the improvement of the GP facilities in Groby; address existing deficiencies in green space and play provision; deliver improvements to Groby Village Hall, Groby Community College, Groby County Council all weather pitches and Marine Drive; deliver safe cycle routes; implement strategic green infrastructure; support proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; support measures to reduce the noise and air pollution; work with existing businesses to seek a reduction in on-street employee parking; and require development to respect the character and appearance of Groby Conservation Area.</p> <p>Ratby - allocates land for a minimum of 75 new homes; supports additional employment provision to meet local needs; support the improvement of the GP facilities in Ratby; address existing deficiencies in green space and play provision; deliver improvements to quality of Ferndale Park Outdoor Facilities; deliver safe cycle routes; implement strategic green infrastructure; support proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; support improvements to the existing community centres (Ratby Village Hall, Ratby Parish Church and Ratby Methodist Church) or development of a new designated community centre; support measures to reduce the noise and air pollution; support measures to direct through traffic away from Ratby Village; and require development to respect the character and appearance of Ratby Conservation Area.</p> <p>Markfield - allocates land for a minimum of 80 new homes; supports additional employment provision to meet local needs; address existing deficiencies in green space and play provision; implement strategic green infrastructure; support proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; deliver safe cycle routes; protect open space linkages to the west; support the expansion of the local supermarket; support the attraction of knowledge based services to support the Markfield Institute of Higher Education; support improvement in the quality of Markfield Community and Sports Centre and Mayflower Close and Alter Stones outdoor facilities; support measures to reduce the noise and air pollution; and require development to respect the character and appearance of Markfield Conservation Area.</p>
Policy 10	<p>Key Rural Centres within the National Forest: relates to Bagworth and Thornton. It seeks provision of local services in Bagworth including a local shop and possibly a post office and primary car provision; allocates land for a minimum of 60 new homes in Bagworth; support additional employment provision to meet local needs; support proposals that contribute to the delivery of the National Forest Strategy; support the development of an improved community centre for Bagworth; address existing deficiencies in green space and play provision; support improvement in the quality of Bagworth Village hall, Sports pavilion and Sports</p>

	Ground and Thornton Community Centre; implement strategic green infrastructure; support proposals that contribute to the delivery of the Charnwood Forest Regional Park; deliver safe cycle routes; safeguard land at Bagworth for the development of a new passenger railway station and associated car parking; and seek improvements in car parking provision at Thornton Reservoir.
Policy 15	Affordable Housing: seeks the provision of affordable housing on residential proposals in the urban areas at a rate of 20% on schemes of 15 dwellings or more or 0.5ha or more and rural area at a rate of 40% on schemes of 4 dwellings or more of 0.13ha or more with a tenure split of 75% social rented and 25% intermediate housing. The affordable housing figure can be negotiated on a site by site basis taking into account identified need, existing provision, characteristics of the site, and viability.
Policy 16	Housing Density, Mix and Design: seeks to ensure that all new residential developments provide a mix of types and tenures appropriate to the applicable household type projections.
Policy 19	Green Space and Play Provision: seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.
Policy 21	National Forest: supports: the implementation of the National Forest to the north east of the borough; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreational and sports provision; and tourism developments subject to the siting and scale of the development being related to its setting within the Forest; reflecting the character and appearance of the wider countryside and not adversely affecting the existing facilities and working landscape of either the Forest or the wider countryside.
Policy 22	Charnwood Forest: supports proposals that maintain the traditional landscaped of the forest; provide new recreation facilities; provide access to and from the rural areas into and within the regional park by non vehicular means; retain local character and complement the local landscape; enhance open spaces; enhance woodland and habitat provision and connectivity; manage and enhance the cultural heritage of the area.
Policy 24	Sustainable Design and Technology: seeks to ensure all new development meets specified sustainable design and technology standards.

<b>Hinckley and Bosworth Local Plan 2001</b>	
<b>INFRASTRUCTURE</b>	
Policy IMP1	Contributions towards the provision of infrastructure and facilities: requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed. <i>This policy is consistent with the intentions of the NPPF.</i>
<b>HOUSING</b>	
Policy RES5	Residential Proposals on Unallocated Sites: states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design

	<p>and layout of the proposal does not conflict with the relevant plan policies.</p> <p><i>This policy is consistent with the intentions of the NPPF if the development is within the settlement boundary but has limited consistency in all other locations.</i></p>
<b>EMPLOYMENT</b>	
Policy EMP1	<p>Existing Employment Sites: seeks to actively retain existing identified employment sites for employment purposes.</p> <p><i>This policy is consistent with the intentions of the NPPF but should be read in conjunction with the Employment Land and Premises Study.</i></p>
<b>CONSERVATION AND BUILT ENVIRONMENT</b>	
Policy BE1	<p>Design and Siting of Development: requires that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regards to scale, layout, density, materials and architectural features; avoid loss of open spaces; has regard to safety; incorporates design features which reduce energy consumption, encourages recycling and minimises impact on local environment; incorporates a high standard of landscaping; meets DDA requirements where necessary; ensure adequate highway visibility and parking standards and manoeuvring facilities; do not adversely affect the amenities of neighbouring properties; and would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part. For residential proposes development should incorporate urban design standards, ensure adequate degree of amenity and privacy and provide sufficient amenity space.</p> <p><i>Criteria a - i of this policy are consistent with the NPPF and as such the policy should be given weight.</i></p>
Policy BE7	<p>Development in Conservation Areas: states that primary planning policy will be the preservation or enhancement of their special character. Planning permission for proposals which would harm their special character or appearance will not be granted.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy BE8	<p>Demolition in Conservation Areas: supports demolition only where the loss of the building will not be detrimental to the character and appearance of the conservation area; and that proposals for its replacement would preserve or enhance the character or appearance of the conservation area.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy BE12	<p>Scheduled Ancient Monuments and Nationally Important Archaeological Sites: states that planning permission will not be granted for any proposed development which would adversely affect a scheduled ancient monument or other nationally important archaeological site or its setting.</p> <p><i>This policy is considered to be inconsistent with the NPPF as the NPPF contains no caveat for 'special justification' as suggested within the NPPF.</i></p>
Policy BE16	<p>Archaeological Investigation and Recording: states that the Local Planning Authority can impose conditions requiring that satisfactory archaeological investigation and recording be carried out.</p> <p><i>This policy is consistent with the intentions of the NPPF but NPPF</i></p>

	<i>others more precise guidance.</i>
Policy BE26	<p>Light Pollution: seeks to ensure that developments do not create nuisance through glare, create light spillage or affect the character or appearance of the area.</p> <p><i>This policy is considered to be inconsistent with the NPPF but Policy BE1 is consistent and covers elements of this policy.</i></p>
Policy BE27	<p>Wind Power: supports proposals for wind farms and individual wind turbines where they are capable of supporting the generation of wind power; they are sensitively located so that its visual impact is minimised and will not be unduly prominent; they do not have detrimental impact due to noise or other forms of nuisance; they are located a minimum distance that is equal to its own height away from any public highway or publicly accessible area; they would not involve the erection of overhead power lines to connect to the national grid that would have an adverse impact on the landscape of the area.</p> <p><i>Criteria a, b and c are consistent with the intentions of the NPPF and should be afforded weight, however criteria d and e are considered to be inconsistent as the NPPF contains no guidance on these matters.</i></p>
<b>THE NATURAL ENVIRONMENT</b>	
Policy NE2	<p>Pollution: states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy NE5	<p>Development in the Countryside: states that the countryside will be protected for its own sake and that planning permission will be granted for built and other forms of development in the countryside provided that the development is either:-</p> <ul style="list-style-type: none"> <li>a) Important to the local economy and cannot be provided within or adjacent to an existing settlement; or</li> <li>b) For the change of use, reuse or extension of existing buildings, particularly those of historic value; or</li> <li>c) For sport or recreation purposes.</li> </ul> <p>And only where the following criteria are met:-</p> <ul style="list-style-type: none"> <li>i) It does not have an adverse effect on the appearance or character of the landscape.</li> <li>ii) It is in keeping with the scale and character of existing buildings and the general surroundings.</li> <li>iii) Where necessary it is effectively screened by landscaping or other methods.</li> <li>iv) The proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.</li> </ul> <p><i>This policy is consistent with the intentions of the NPPF for rural enterprise proposals but has limited consistency in all other respects</i></p>
Policy NE12	<p>Landscaping Schemes: requires proposals for development to make provision for further landscaping where appropriate.</p> <p><i>This policy is partially consistent with the intentions of the NPPF.</i></p>

Policy NE14	Protection of Surface Waters and Groundwater Quality: seeks to ensure that developments do not compromise the quality of the water environment. <i>This policy has limited consistency with the intentions of the NPPF as it is too specific</i>
<b>TRANSPORTATION</b>	
Policy T5	Highway Design and Vehicle Parking Standards: refers to the application of appropriate standards for highway design and parking provision for new development <i>This policy is consistent with the intentions of the NPPF.</i>
Policy T9	Facilities for Cyclists and Pedestrians: encourages walking and cycling including facilities for cycle parking. <i>This policy is consistent with the intentions of the NPPF.</i>
<b>RECREATION AND TOURISM</b>	
Policy REC1	Development of Recreation Sites: states that planning permission for alternative uses will not be granted for the development of land and buildings currently used for recreation and open space unless in the case of this application, the developer provides an equivalent range of replacement facilities in an appropriate location serving the local community. <i>Criteria (a + b) of this policy is consistent with the intentions of the NPPF. Criteria © has limited consistency with intentions of the NPPF as doesn't have to be on the remainder of site</i>
Policy REC2	New Residential Development – Outdoor Open Space Provision for Formal Recreation: requires all new residential development to provide outdoor play space for formal recreation. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy REC3	New Residential Development – Outdoor Play Space for Children: requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area. <i>This policy is consistent with the intentions of the NPPF.</i>
<b>COMMUNITY FACILITIES</b>	
Policy CF8	Residential Care and Nursing Homes: supports proposals for new development or extensions to existing buildings to provide residential care homes and nursing homes where they complement and enhance the character of the surrounding area; the premises are of a suitable size and type; adequate gardens are provided to protect and enhance the amenity of residents; provide satisfactory car parking and areas for service vehicles; have easy access to shops, public facilities and public transport and the design of the buildings should accommodate easy access by the elderly and the infirm. <i>This policy is consistent with the intentions of the NPPF but duplicates BE1.</i>

<b>Supplementary Planning Guidance / Documents</b>	
New Residential Development SPG	Provides guidance on design issues to ensure new developments are well integrated into their surroundings, offer a good standard of security and amenity to future residents, protect amenity of existing occupiers and are locally distinctive in their appearance.
Play and Open	Sets out the Boroughs approach when considering applications

Space Guide 2008 SPD	for development likely to generate a demand for open space and play facilities.
Sustainable Design 2008 SPD	Promotes sustainable development to contribute towards a greener future. It offers best practice guidance to developers in the design process, and requires an effective contribution of sustainable energy on each new building across the Borough.
Affordable Housing SPD	This expands upon policies contained with the Core Strategy and provides guidance on the thresholds, targets, tenure and mix, local need, design and layout of affordable housing and how the provision should be delivered.

<b>Other Material Policy Guidance</b>	
Landscape Character Assessment 2006	An evidence base document that defines areas with consistent distinctive characteristics resulting from the interaction of geology, landform, soils, vegetation, land use and human settlement. It provides an understanding of the landscape, its evolution and future pressures along with future management strategies. It also studies the urban character through assessing street patterns, urban form, landmark buildings and common building styles and materials to define the local vernacular of the principle settlements.
Employment Land and Premises Study 2010	The report assesses the supply, need and demand for employment land and premises in Hinckley and Bosworth. The study assesses the economy which informs the amount, location and type of employment land and premises required to facilitate its development and growth; reviews the current portfolio of employment land and premises and recommendation on the future allocation of employment land and premises.
Green Wedge Review	The Review was adopted in December 2011, the purpose of the review was to assess whether the land currently allocated as Green Wedge meets the evaluation criteria, as follows: <ul style="list-style-type: none"> <li>• prevents the merging of settlements;</li> <li>• guides development form;</li> <li>• provides a green lung into the urban area; and</li> <li>• acts as a recreational resource.</li> </ul>